

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

IN RE NATIONAL PRESCRIPTION
OPIATE LITIGATION

This document relates to:

All Cases

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)
) MDL No. 2804

) Case No. 1:17-md-2804

) Hon. Dan Aaron Polster
)
)
)

**DEFENDANTS ASSOCIATED PHARMACIES, INC. AND AMERICAN ASSOCIATED
PHARMACIES' LIST OF CASES WITH DEFICIENCIES IDENTIFIED IN COURT'S
ORDER REGARDING PLAINTIFF FACT SHEETS AND SERVICE OF PROCESS**

Pursuant to the Court's Order Regarding Plaintiff Fact Sheets and Service of Process dated January 3, 2023 (Doc. 4801), Defendants Associated Pharmacies, Inc. ("API") and American Associated Pharmacies ("AAP") hereby submit the following:

1. The Court's January 3, 2023 Order invited each Non-Litigating Defendant to file on the MDL docket, on or before January 30, 2023, a list showing all plaintiff-subdivisions that named the defendant in an MDL case, but the plaintiff: "(1) did not serve a PFS to the PFS Repository; and/or (2) did not obtain timely service of process."

2. Attached as **Exhibit 1** is a list of those MDL cases in which API and/or AAP are named as defendants, but the plaintiffs did not serve a PFS to the PFS Repository¹ and/or did not obtain timely service of process. API and AAP also identify in Exhibit 1 as "PFS Untimely" those cases in which the plaintiff re-served its PFS after the October 14, 2022 deadline specified in the

¹ API and AAP interpret the Court's prior orders as not requiring tribes, hospitals, and other non-governmental entities to serve a PFS. (See Docs. 638 and 642). As such, API and AAP did not identify cases where these entities did not serve a PFS. API and AAP believe that a PFS from these entities identifying the geographic limits of each entity is necessary to perform a market share analysis.

Court's October 6, 2022 Order to All Governmental Plaintiffs Regarding Re-Service of Plaintiff Fact Sheets (Doc. 4664).

3. API and AAP reserve all defenses relating to those cases identified in Exhibit 1.

Dated: January 30, 2023.

/s/ Walter A. Dodgen
One of the attorneys for API and AAP

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*Attorneys for Associated Pharmacies, Inc.
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CERTIFICATE OF SERVICE

I hereby certify that on January 30, 2023, the foregoing was electronically filed with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to all counsel of record.

/s/ Walter A. Dodgen
Of Counsel